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DEPARTMENT OF STATE
ACTION MEMORANDUM

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TO : The Secretary
THROUGH: M - Mr. Ben Read
FROM : L - Roberts B. Owen

April 1, 1980

RECEIVED BY *for Clark* *WHE*

Executive Order of Succession

ISSUE FOR DECISION

Whether to ask the President to approve a new Executive Order (Tab 1) which permits you to designate the order of succession to be Acting Secretary.

ESSENTIAL FACTORS

Section 3347 of Title 5 of the United States Code authorizes the President to provide the order of succession to the position of Acting Secretary after the Deputy Secretary. This was last done for the Department in 1959 (Executive Order 10839, Tab 2), and intervening changes in the Department's organic law have made the Executive Order obsolete. The Office of Management and Budget has developed an Executive Order which avoids the problem of obsolescence through changes in the titles and numbers of senior officials. It permits the Secretary of State to designate any officer appointed by the President with the advice and consent of the Senate. A draft of such an order is attached. The order also sets an order of succession based on the Executive Salary Schedule and seniority, pending your action.

Delegation of Authority No. 126 of January 15, 1973 (Tab 3) was a stop gap measure by Secretary Rogers to provide an order of succession more in line with the actual situation than the 1959 Executive Order. However, it would be clearly preferable if the Department's order of succession were expressly pursuant to an Executive Order authorized by law.

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Draft Executive Order

Designation of Certain Officers to
Act as Secretary of State

By the authority vested in me as President of the United States of America by Section 3347 of title 5 and Section 301 of title 3 of the United States Code, it is ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of State nor the Deputy Secretary of State is available to exercise the powers or perform the duties of the office of Secretary, an officer from the Department of State appointed by the President by and with the advice and consent of the Senate, in such order as the Secretary of State may from time to time prescribe, shall act as Secretary until the absence or the disability of both the incumbent Secretary and Deputy Secretary shall cease, or until a successor is appointed. If no such order of succession is in effect, then such officers shall act as Secretary in the descending order of rank, as established by their offices being listed in

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Title 3—THE PRESIDENT

Executive Order 10839

DESIGNATING CERTAIN OFFICERS TO ACT AS SECRETARY OF STATE

By virtue of authority vested in me by section 179 of the Revised Statutes (5 U.S.C. 6), and as President of the United States, it is ordered as follows:

In case of the death, resignation, absence, or sickness of the Secretary of State and the Under Secretary of State, the following-designated officers of the Department of State shall, in the order of succession indicated, act as Secretary of State until a successor is appointed or until the absence or sickness of the incumbent shall cease:

1. Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs, as may be designated by the President pursuant to the act of July 30, 1959, 73 Stat. 286.

2. Deputy Under Secretaries of State, (a) in such order of succession as the Secretary of State (or the Under Secretary of State when acting as Secretary) may by order designate from time to time, or (b) if no such designation order is in effect at the time, in the order of the lengths of service as Deputy Under Secretaries.

3. Assistant Secretaries of State, (a) in such order of succession as the Secretary of State (or the Under Secretary of State when acting as Secretary) may by order designate from time to time, or (b) if no such designation order is in effect at the time, in the order of the lengths of service as Assistant Secretaries.

The President may at any time, in pursuance of law but without regard to the foregoing provisions of this order, direct that an officer specified by the President shall act as Secretary of State.

Executive Order No. 10791 of November 20, 1953, is hereby superseded.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

September 30, 1959.

[PA Doc. 36-8377 Filed Oct 1, 1959 12 30 p.m.]

Executive Order 10840

DESIGNATING THE FEDERAL AVIATION AGENCY AS AN AGENCY TO HAVE CERTAIN CONTRACTUAL AUTHORITY UNDER THE ASSIGNMENT OF CLAIMS ACT OF 1940, AS AMENDED

WHEREAS the Assignment of Claims Act of 1940 (54 Stat. 1029) as amended by the act of May 15, 1951, 65 Stat. 41 (31 U.S.C. 203), contains the following provisions:

Any contract of the Department of Defense, the General Services Administration, the Atomic Energy Commission, or any other department or agency of the United States designated by the President, except any such contract under which full payment has been made, may, in time of war or national emergency proclaimed by the President (including the national emergency proclaimed December 16, 1950) or by Act or joint resolution of the Congress and until such war or national emergency has been terminated in such manner, provide or be amended without consideration to provide that payments to be made to the assignee of any moneys due or to become due under such contract shall not be subject to reduction or set-off, and if such provision or one to the same general effect has been at any time heretofore or is hereafter included or inserted in any such contract, payments to be made thereafter to an assignee of any moneys due or to become due under such contract, whether during or after such war or emergency, shall not be subject to reduction or set-off for any liability of any nature of the assignor to the United States or any department or agency thereof which arises independently of such contract, or hereafter for any liability of the assignor on account of (1) renegotiation under any renegotiation statute or under any statutory renegotiation article in the contract, (2) fines, (3) penalties (which term does not include amounts which may be collected or withheld from the assignor in accordance with c. for failure to comply with the terms of the contract), or (4) taxes, social security contributions, or the withholding or nonwithholding of taxes or social security contributions, whether arising from or independently of such contract.

AND WHEREAS it appears that it would be in the public interest to make those provisions applicable to the Federal Aviation Agency:

NOW, THEREFORE, by virtue of the authority vested in me by the above-mentioned Act, I, the President, do hereby

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THE PRESIDENT

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NOTICES

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules, that are applicable to: Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

(Public Notice 277; Delegation of Authority 126)

UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, ET AL

Delegation of Authority To Act as Secretary of State

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, and in accordance with Executive Order 10839 (24 FR 7939), during my absence and the absence of the Deputy Secretary of State, I hereby delegate all duties, functions and responsibilities vested in me as Secretary of State or as head of the Department of State to the Under Secretary of State for Political Affairs, or if he be absent or there is a vacancy in this position, to the Under Secretary of State for Economic Affairs, or if both of these be absent or there be a vacancy in both positions, or any combination of absence or vacancy in both positions, to the Under Secretary of State for Coordinating Security Assistance Programs.

This delegation of authority shall be effective on February 2, 1973.

(SEAL)

WILLIAM P. ROGERS,
Secretary of State.

JANUARY 15, 1973.

(FR Doc 73-2013 Filed 2-1-73; 8:45 am)

DEPARTMENT OF THE TREASURY

Office of the Secretary

STAINLESS STEEL PLATE FROM SWEDEN

Withholding of Appraisement Notice

JANUARY 31, 1973.

Information was received on April 25, 1972, that stainless steel plate from Sweden was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of May 26, 1972, on page 10675. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of stainless steel plate from Sweden is less,

or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of stainless steel plate from Sweden in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than February 9, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 16, 1973.

This notice, which is published pursuant to § 153.34(a), Customs regulations (19 CFR 153.34(a)), shall become effective on February 2, 1973. It shall cease to be effective on May 2, 1973, unless previously revoked.

(SEAL)

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

(FR Doc 73-2135 Filed 2-1-73; 8:45 am)

STAINLESS STEEL PLATE FROM SWEDEN

Determination of Sales at Less Than Fair Value

JANUARY 31, 1973.

Information was received on April 25, 1972, that stainless steel plate from Sweden is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury is being published concurrently with this notice.

I hereby determine that, for the reasons stated below, stainless steel plate from Sweden is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information currently before the Bureau of Customs indicates that the proper basis of com-

parison for fair value purchase price or export price, as appropriate, and the price.

Purchase price was calculated by deducting from the c.i.f. value of the United States or f.o.b. value of export the included marine insurance, and in charges, as appropriate.

Exporter's sales price was by deducting from the resale related purchasers in the U.S. duties, brokerage charges, marine insurance, warehouse expense discounts, where appropriate.

Home market price was delivered distributor's price. Deductions were made for insurance, advertising, and services.

Comparisons between purchase price and resale price revealed that home market price was higher than purchase price.

The U.S. Tariff Commission advised of this determination.

This determination is pursuant to section 201(c) of U.S.C. 160(c).

(SEAL)

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

(FR Doc 73-2134 Filed 2-1-

DEPARTMENT OF THE

ARMAMENT DEVELOPMENT ADVISORY GROUP

Notice of Closed Meeting

JANUARY 31, 1973.

Armament Development Advisory Group. The Armament Development and Test Center will hold a closed meeting on February 1, 1973, from 8 a.m. to 5 p.m. at Eglin Air Force Base, Florida.

The agenda will include items relating to munitions development program.

Foreign Technology Development Group. The Foreign Technology Development Advisory Group will hold a closed meeting on February 22, 1973, from 8 a.m. to 5 p.m. at Wright-Patterson Air Force Base, Ohio.

The agenda will be a review of techniques used by FTDG in system analysis.

Electronic Systems Development Group. The Electronic Systems Development Advisory Group will hold a closed meeting on February 22, 1973, from 8 a.m. to 5 p.m. at L. G. H. Bedford, Mass.

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